

**ALLEGED SHIPMENT:** On or about June 1 and 2, 1950, by Brown's Frosted Foods, Inc., from Franklin, Ky.

**PRODUCT:** 3,380 30-pound cans of frozen strawberries at Cincinnati, Ohio.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of rotten berries.

**DISPOSITION:** February 6, 1951. Brown's Frosted Foods, Inc., Philadelphia, Pa., claimant, having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product might be released under bond for separation of the fit portion from the unfit. However, 3,320 cans which actually were seized were destroyed.

#### VEGETABLES\*

**17829. Misbranding of mushrooms. U. S. v. Patsy Bartogli & Son. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31094. Sample No. 25244-L.)**

**INFORMATION FILED:** June 6, 1951, Eastern District of Pennsylvania, against Patsy Bartogli & Son, a partnership, Avondale, Pa.

**ALLEGED SHIPMENT:** On or about March 7, 1951, from the State of Pennsylvania into the State of New Jersey.

**LABEL, IN PART:** (Basket) "Special Mushrooms 3 Lb. Net."

**NATURE OF CHARGE:** Misbranding, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents since the baskets contained less than the declared weight of 3 pounds.

**DISPOSITION:** September 24, 1951. A plea of nolo contendere having been entered, the court fined the defendant \$50.

**17830. Adulteration of canned black-eyed peas. U. S. v. Thomas & Drake Canning Co. Plea of nolo contendere. Fine, \$50. (F. D. C. No. 31131. Sample No. 78016-K.)**

**INFORMATION FILED:** August 13, 1951, Eastern District of Oklahoma, against the Thomas & Drake Canning Co., a partnership, Haskell, Okla.

**ALLEGED SHIPMENT:** Within the period from on or about July 26 to on or about October 5, 1950, from the State of Oklahoma into the State of Tennessee.

**LABEL, IN PART:** (Can) "Prepared From Fresh Green Shelled Black Eye Peas \* \* \* Packed By Thomas & Drake Canning Co., Haskell, Oklahoma."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of insects and insect parts.

**DISPOSITION:** December 5, 1951. A plea of nolo contendere having been entered, the court imposed a fine of \$50.

#### TOMATOES AND TOMATO PRODUCTS

**17831. Adulteration and misbranding of canned tomatoes. U. S. v. 659 Cases \* \* \* (and 1 other seizure action). (F. D. C. Nos. 29752, 29782. Sample Nos. 66951-K, 81893-K.)**

**LIBELS FILED:** October 2 and 3, 1950, Middle and Western Districts of North Carolina.

\*See also No. 17813.

**ALLEGED SHIPMENT:** On or about September 1 and 2, 1950, by Stratford Packing Co., Inc., from Montross, Va.

**PRODUCT:** 1,555 cases, each containing 24 1-pound, 3-ounce cans, of tomatoes at Sanford and Charlotte, N. C.

**LABEL, IN PART:** (Can) "Stratford Brand Tomatoes."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), an article containing added water had been substituted in whole or in part for canned tomatoes.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned tomatoes since it contained added water, which is not permitted as an ingredient of canned tomatoes in the definition and standard; and, Section 403 (h) (1), the quality of the article fell below the standard of quality for canned tomatoes because of the low drained weight and because a portion of the product contained excessive peel; and the label failed to bear a statement that the article fell below the standard.

**DISPOSITION:** October 30, 1951. Stratford Packing Co., Inc., having consented to the entry of a decree and the case against the Sanford lot having been removed to the Western District of North Carolina, judgments of condemnation were entered and the court ordered that the product be delivered to charitable institutions.

**17832. Adulteration and misbranding of tomato puree. U. S. v. 176 Cases**  
\* \* \*. (F. D. C. No. 29933. Sample No. 55047-K.)

**LIBEL FILED:** October 17, 1950, Middle District of Alabama.

**ALLEGED SHIPMENT:** On or about January 12 and June 27, 1950, by the Akin Products Co., from Mission, Tex.

**PRODUCT:** 176 cases, each containing 6 6-pound, 5-ounce cans, of tomato puree at Montgomery, Ala.

**LABEL, IN PART:** "Val-Tex Brand Tomato Puree."

**NATURE OF CHARGE:** Adulteration, Section 402 (b) (2), a product containing less than 8.37 percent of salt-free tomato solids had been substituted for tomato puree.

Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for tomato puree since it contained less than 8.37 percent of salt-free tomato solids as determined by the method prescribed in the standard.

**DISPOSITION:** November 13, 1950. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions.

**17833. Adulteration of tomato sauce. U. S. v. 565 Cases** \* \* \*. (F. D. C. No. 30897. Sample No. 27842-L.)

**LIBEL FILED:** April 6, 1951, District of New Jersey.

**ALLEGED SHIPMENT:** On or about March 9, 1951, by Hunt Foods, Inc., from Hayward, Calif.

**PRODUCT:** 565 cases of tomato sauce at Paterson, N. J.

**LABEL, IN PART:** (Can) "Hunt's Tomato Sauce Net Weight 8 Oz."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.